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EXAMINER				
TRUONG, LECHI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/691,334

Applicant(s)

DASGUPTA, ANINDA

Examiner

LECHI TRUONG

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are presented for the examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b. The claim language in the following claims is not clearly understood:

As to claims 1, 7, 13, 20, they are not clearly indicated what is mean for “the external interface” since the claim recited the external interface within the digital audio playback device (A digital audio playback device comprising: an external interface...). Appropriate correction is required to make clear that the interface is external from the connected processing system or from the digital auto playback device.

Claim Objections

3. Claims 13, 20 are objected to because of the following informalities: There is an error on the phase” for use” (line 1). Appropriate correction is required to change from “for use” to “Method for use”.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-19, 20-24 are directed to the method claims that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a 101 statutory process, the claim should be positively reciting the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps. Appropriate correction is required to add the hardware performs the steps of the methods.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 2, 7-8, 13-14, 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Lamkin (US 7178106 B2).

3. **As to claim 1**, APA teaches a digital audio playback device (DAPD) (digital audio playback devices (DAPD, page 1, In 9-15), a connected processing system (the PC, page 3, In 5-

23 to col 1-26), executing (executed, page 3, ln 20- 24), the external interface (playback device, page 3, ln 5-23 to col 1-26), a user interface application program (a UI software application, page 2, ln 14-17/ a the program for controlling the connected user interface, page 3, ln 20-23), a memory (memory, page 1, ln 15-18), storing (download, page 4, ln 1-7), a X DAPD application programming interface (API) (the libraries consists contain implementations of application programming interfaces (API), page 4, ln 1-15).

4. APA does not teach reverse DAPI API capable of external interface causing a processor to access and control a user interface and displayed on a monitor screen associated with said connected processing system. However, Lamkin teaches (navigator coupled to the decoder and the application programming interface, the navigator facilitating user or network-originated control of the playback of the removable media, the computing device receiving network content from the network and combining the network content with the media content, the presentation engine displaying the combined network content and media content on the display, col 3, ln 20-28/ the hardware platform (402) has microprocessor or other processing circuitry (as shown in FIGS. 2 3) executing both the embedded web browser (410) and the media subsystem (420). The hardware platform (402) can be any device suitable for the present invention such as, but not limited to, television set-top boxes, DVD players, computers, etc., col 6, ln 56-63/ The application programming interface (API) provides interaction with hardware platform (402) by means of commands (or methods), properties, and events. Commands (also called methods) are executed to control the playback of, search of, and navigation through video and/or audio content, col 7, ln 63-67/ The presentation engine (612) of the embedded web browser (410) parses the HTML instructions for controlling the media playback, generates any graphic portions

of the display, positions a video window when it exists, and also interfaces directly with the underlying DVD Navigator, col 10, ln 3-10/The local content source (104) is coupled to the computer (202). The offsite content source (106) is coupled to the computer (202). The computer (202) includes the microprocessor (204) and the memory (206). In operation, computer (202) is any computer able to play/display both video and audio provided by the local content source (104) and/or web or HTML content as provided by the offsite content source (106), col 6, ln 14-20/ API is stored in the DVD player which is external from the computer).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modifying the teaching APA with Lamkin to incorporate the feature of reverse DAPI API capable of external interface causing a processor to access and control a user interface and displayed on a monitor screen associated with said connected processing system because this provides augmented or improved content with playback of DVD content.

6. **As to claim 2**, Lamkin teaches API comprises executable instruction capable of communicating with and controlling an operation of said user interface application program (col 4, ln 45-50)

7. **As to claims 7, 13, 20**, they are apparatus claim of claim 1; therefore, they are rejected for the same reason as claim 1 above.

8. **As to claim 8**, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above.

As to claim 14, API comprises executable instruction capable of communication with and controlling an operation of the user interface application program (col 7, ln 5-10).

As to claim 21, it is apparatus claim of claim 14; therefore, it is rejected for the same reason as claim 14 above.

25. Claims **15, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of Lamkin(US 7178106 B2), as applied to claim 1 above, and further in view of Smyers et al (US. Patent 5,991,520).

26. **As to claim 15**, APA and Lamkin do not teach API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of user interface. However, Smyers teaches API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of user interface (col 4, ln 1-5/ ln 37-41/ col 5, ln 33-42/ col 7, ln 45-50/ col 9, ln 2-13/ ln 20-27), API comprises first data associated with a manufacturer of said digital audio playback device (col 2, ln 20-30).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching APA and Lamkin with Smyers to incorporate the feature of comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of user interface because this allows automated generation of transactions necessary to complete a data transfer with permitting a high degree of hardware automation, if needed by the application.

29. Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior art (APA) Lamkin(US 7178106 B2), as applied to claim 13 above, and further in view of Messer et al (US. Patent 6,762798 B1).

30. **As to claim 22**, APA and Lamkin do not teach API, which identifies a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of causing an identity of the manufacturer to be displayed. However, Messer teaches API which identifies a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of causing an identity of the manufacturer to be displayed (calling the first method in response to a specification of the set of parameters such that a video window is created with the set of parameters when the video window generated at the destination position and according to the scale factor is within the capabilities of the television and the display, col 11, ln 59-64).

32. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of APA, Lamkin with Messer to incorporate the feature of API, which identifies a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of causing an identity of the manufacturer to be displayed because this enables a video window to be translated as well as scaled to accommodate a variety of televisions.

33. Claims **23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior art (APA) in view of Lamkin(US 7178106 B2), as applied to claim 13 above, in view of

Messer et al (US. Patent 6,762,798 B1) and further in view of Smyers et al (US. Patent 5,991,520).

34. **As to claims 23, 24**, APA, Lamkin and Messer do not teaches API is capable causing said processor to access and control at least a portion of user interface to display said data in said at least a portion of said user interface displayed on said monitor screen, API comprises first data associated with a manufacturer of said digital audio playback device. However, Smyers teaches API is capable causing said processor to access and control at least a portion of user interface to display said data in said at least a portion of said user interface displayed on said monitor screen (col 4, ln 1-5/ ln 37-41/ col 5, ln 33-42/ col 7, ln 45-50/ col 9, ln 2-13/ ln 20-27), API comprises first data associated with a manufacturer of said digital audio playback device (col 2, ln 20-30).

35. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching APA, Lamkin and Messer with Smyers to incorporate the feature of API is capable causing said processor to access and control at least a portion of user interface to display said data in said at least a portion of said user interface displayed on said monitor screen because this allows automated generation of transactions necessary to complete a data transfer with permitting a high degree of hardware automation, if needed by the application.

Allowable Subject Matter

36. Claims 3-6, 9-12, 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

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LeChi Truong

November 10, 2008

